

for Wendy

From: Daria W. Devantier
To: Andrew Hogarth; JoAnn Merrick; Lynelle Marolf
Date: 3/27/07 5:12PM
Subject: Contact with Senator Levin aide Alice Yates

Alice returned my earlier phone call and this is a recap of our conversation (I tried to make it brief/short but it didn't turn out that way!).

The main questions/issues were these 1) was the governor's office on board, 2) is the Allied Landfill an appropriate site for these removal action sediments; 3) how to address the community concerns with these removal sediments going to the Allied Paper Landfill, and 4) the fact that the Allied site doesn't have a TSCA permit

Item 1

I advised Alice I was aware of Dan Beattie's e-mail exchange with her, and that as to the governor being on-board, I preferred to defer to Dan. I indicated that at the staff, technical level where I am, I wasn't in contact with the governor directly

Item 2

As to the appropriateness of the Allied site, our conversation hit many issues. One she was trying to get a better handle on was a confusing element (to her) of Dan's exchange with her... in one of the e-mails, Dan indicated to Alice that DEQ didn't sign off on the disposal at Allied... that it was EPA's move. She was concerned that somehow meant DEQ hadn't been aware of the plans to use Allied, that maybe we had only become aware of Allied being the selected spot when the community learned of it. So I explained we had been actively involved in the mediated negotiations, and involved in the determination the Allied site was a viable option. She asked what Dan might have meant. I said I had speculated myself that what he was trying to convey is that it was EPA's regulatory authority that allows the disposal to occur there, but that by DEQ's having been involved in the negotiations, we had been on board with the removal wastes going to Allied.

We had some discussion on the likelihood of the wastes permanently staying at Allied that lead into a discussion of a Remedial Investigation Report then being used to generate a Feasibility Study, wherein the option of permanent disposal staying at the Allied site would be covered. I explained there were already 2 other landfills at this Superfund site (King Hwy Landfill and the Willow/A-site Landfill where Records of Decisions had already provided for permanent disposal in place)

Item 3

She definitely was trying to get a handle on impacted groundwater issues as well as whether the community water supply was being protected if the new wastes went there. I explained our Conceptual Site Model indicated that the site was draining toward the creek, that all data available to date did not suggest impacts to the deeper aquifer where the community draws their water from was occurring. I explained the monitoring that was going on and why monitoring continues even after disposal occurs to keep assessing whether a site like this is impacting the groundwater. I tried to explain that while the monitoring done to date suggested there are PCB impacts, those impacts weren't migrating off-site.

I further explained that some of the quotes from local officials seemed to suggest that because the agencies hadn't been aware of Kalamazoo's Wellhead Protection Plan, that somehow meant the agencies hadn't considered groundwater protection. I explained to her that as the technical staff charged with reviewing an action such as this, we don't ignore groundwater at sites that aren't part of a protection program, that MI has a vast groundwater resource to protect regardless of a community voluntarily taking proactive steps themselves to help protect that resource. I explained that our MI statutes charge us to make sure that appropriate investigations occur and that groundwater monitoring is continued when necessary at sites like these so we could make decisions on whether active groundwater remedies were needed. I explained it was my hope we would be able to effectively communicate this to the local officials in the meetings that are coming up next week.



Item 4

I indicated that I would have to defer to EPA as to the decisions made by the TSCA program staff that evaluated the removal wastes going to Allied. I let her know I had been aware that EPA had researched those issues but that I hadn't been involved given it was a federal program. I also explained that this site actually had been a previously licensed landfill under 2 old landfill programs, the old Act 87 and Act 641. I couldn't remember off-hand when disposal activities had ceased but that I thought it had been in the mid 80's.

I'm sure I missed a point or two that was discussed but it was about a half hour conversation. Alice rang off very thankful that I had been here to help with her questions, and reiterated how complex these issues were. I of course let her know she was free to followup with me on any further questions she may have. Let me know if any of you folks have questions. Thanks.

>>> JoAnn Merrick 03/27/07 2:01 PM >>>

Can the most appropriate person call Alice Yates in Senator Levin's office back and then let us know who called, and a short synopsis of the questions/responses etc? Let me know Thanks!

CC: beattiedan@michigan.gov; Carol Linteau; David Kline; Elaine Pohl; Jim Sygo; Linda LeVeque; Pat Watson; Patricia Lawton; Paul Bucholtz; Polly Synk; Robert McCann; Stanley Pruss; Susan Joseph